UNITED STATES PATENT AND TRADEMARK OFFICE

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10/809,889	03/26/2004	Yoshifumi Tanimoto	042089	7798

38834 7590 07/02/2008		EXAMINER
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PTOL-90A (Rev. 04/07)

Response to Arguments

1.   Applicant's arguments filed 6/10/2008 have been fully considered but they are not persuasive.

2.   In response to the applicant's argument that "it appears that the Examiner has failed to appreciate that claim 13 requires that the instant message received from the terminal of the forwarder is stored in the communication device when the user of the forwarding destination is not logged in the instant message server" (Page 3), the examiner disagrees.

Applicant's claim 13 has not specified that a "communication device" is any different than the "instant message server". The "communication device" is storing the instant message in a "means for storing of the communication device", however this isn't limiting the "communication device" to be a separate entity as argued by the applicant. For instance, the examiner can assume the "communication device" is merely an application running on the "instant message server". Although the devices are shown as being separate in the drawings, the claim limitations do not yet require any separation between the "instant message server" and the "communication device".

3.   In response to the applicant's argument that "server device 106 fails to constitute an instant message server", the examiner disagrees.

The examiner does agree with the applicant that the server device 106 also "corresponds to the communication device" as recited in claim 13. Further, Li teaches the "dedicated server device 106" can be the "central authority" for assigning universally unique identifiers for each user in the network. (Page 3 [0032 & 0034]) Further, Li

teaches regarding communication system model (Fig. 3 [300]) that "all or part of which can be implemented, for example, through logic provided in a peer computer 102". (Page 6 [0076]) Therefore, one of ordinary skill in the art would recognize that the "User Interface Layer 302" would be implemented on the peer computer (Fig. 2A [102] and Pages 6-7 [0083-0088]), but that it is a design choice as to whether the Function Logic Layer and P2P Network Layer (Fig. 3 [304 & 306]) are implemented in the dedicated server device (Fig. 2A [106] & Page 7 [0090]) or in the peer computer (Page 6 [0076]), as both options are available in Li.